



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,816	03/30/2001	Sean B. Weatherill	004613.P001	6605

20995 7590 09/08/2004

KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT PAPER NUMBER

3611

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/823,816

Applicant(s)

WEATHERILL, SEAN B.

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 22-35 is/are rejected.
- 7) ☐ Claim(s) 36 and 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/30/01 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

*Paragraph 14*  
1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the overly sections including a recess to receive a clip as recited in claims 33 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 80 as seen in figure 3B. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification does not support the transparent overlay having a recess to receive one of the clips.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 22-29, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, U. S. Patent 4,827,639 in view of Sturla, U. S. Patent 905,951 and Dammond, U. S. Patent 3,665,628.

6. Wang teaches a double-sided mount for photographs comprising a mounted having a recess on opposite sides of the mount for retaining a double-sided picture frame. The picture frame has a front and rear member wherein at least one photograph is inserted there between. Wand does not teach the mount being hinged or at least one of the front and rear members being transparent.

7. Sturla teaches a photograph holder comprising a double-sided mount having a first clip hinged at 4 to a second clip. Each clip is adapted to receive and hold a photograph. Sturla teaches that the plurality of mounts can be used to hold a plurality of

photographs in horizontal orientation as seen in figure 3 or suspended as seen in figure 6.

8. Dammond teaches picture holder comprising a front and rear member held together using clips 10 and 12, wherein at least one of the members is transparent. Dammond also teaches a groove or recess in the member for seating the ends of the clip within the members.

9. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the double sided mount taught by Wang with a hinge as taught by Sturla to provide a means to adjust the angular relationship of one picture frame with respect to the other. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct one of the frame of a transparent material as taught by Dammond to provide a means to protect the photograph from damage.

10. With respect to claim 23, Sturla teaches a hinge axis at the 4 parallel to notch axes of the first and second clip.

11. With respect to claim 24, Sturla teaches four adjacent photograph with at least three double-sided mounts.

12. Claims 22, 24, 25, 26, 27, 29, 30, 31, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, U. S. Patent 4,827,639 in view of Atkinson, U. S. Patent 1,313,778 and Dammond, U. S. Patent 3,665,628.

13. Atkinson teaches knockdown picture frame comprising a first clip member **a** and a second clip member **b** hingedly holding a pair of adjacent panels at connection **c**

(hub). The first clip member has a pair of flanges  $a'$  (first main body) and  $a^2$  (first pressure tab) and the second clip member has a pair of flanges  $b'$  (second main body) and  $b^2$  (second pressure tab), wherein the member are hingedly connected along the bight or web portion  $a$  and  $b$ . It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the double sided mount taught by Wang with a hinge as taught by Atkinson to provide a means to adjust the angler relationship of one picture frame with respect to the other. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct one of the frame of a transparent material as taught by Dammond to provide a means to protect the photograph from damage.

With respect to claims 22 and 38, Atkinson teaches a single clip  $k$  attached to the top of the end side extension as 4 and 7 and the member  $j$  is attached to the side wall of the window structure. (See lines 87-96). Atkinson teaches that the lower corners of panels 4 and 7 are connected to adjacent panels by elements shown in figure 5 and 6. This lower corner is opposite the top of the end side.

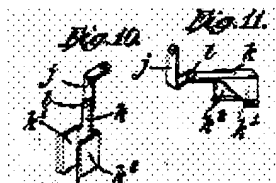
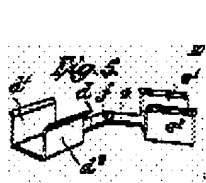
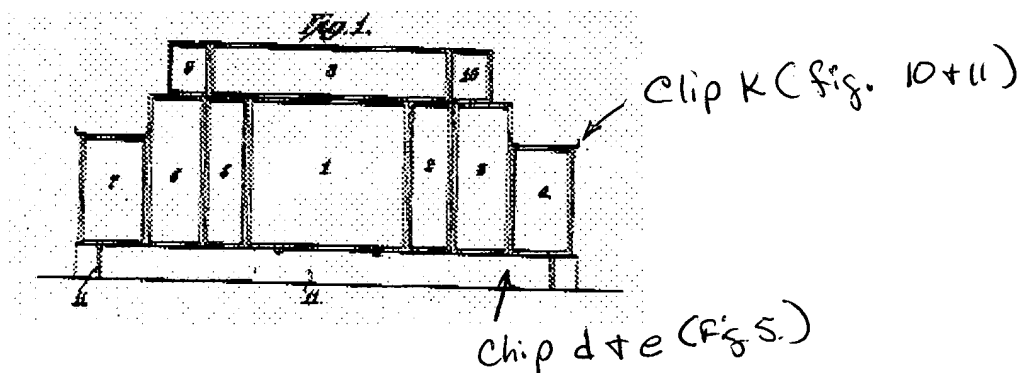
With respect to claim 29 and 30, Atkinson teaches the first and second clip member having an opening in fixed relation to one another.

***Allowable Subject Matter***

14. Claims 36 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***


Applicant's arguments filed June 28, 2004 have been fully considered but they are not persuasive. With respect to claims 22 and 38, Atkinson teaches a single clip *k* attached to the top of the end side extension as 4 and 7 and the member *j* is attached to the sidewall of the window structure. (See lines 87-96). Atkinson teaches that the lower corners of panels 4 and 7 are connected to adjacent panels by elements shown in figure 5 and 6. (See lines 68-77). This lower corner is opposite the top of the end side.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
September 6, 2007